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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/550,660

09/26/2005

Akihiko Suzuki

MAT-8753US

1950

52473

7590

03/25/2008

RATNERPRESTIA

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EXAMINER

BAIG, SAHAR A

ART UNIT

PAPER NUMBER

2623

MAIL DATE

DELIVERY MODE

03/25/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/550,660	Applicant(s) SUZUKI ET AL.	
	Examiner SAHAR A. BAIG	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>09/26/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Regarding Claims 13-16, claim of computer programs is not patent-able.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 3, 6, 8, 23, and 24 rejected under 35 U.S.C. 103(a) as being unpatentable over Whitehead US Patent Publication No. 2002/0040476.

Regarding Claim 1, 2, 8, 23, Whitehead discloses an information processing device for displaying an electronic program guide [0001], comprising: a program information storage unit storing one or more pieces of program information as information about programs for composing an electronic program guide [0008 lines 1-5]; a moving picture storage unit storing one or more moving pictures for identifying the program information; and a program guide display unit for displaying an electronic program guide including moving pictures [0008 lines 5-11].

However, Whitehead fails to explicitly teach of a device wherein the program guide display unit displays a moving picture for identifying a program by changing the size of the program depending on the output duration of the program. This is a common property of any electronic program guide available in the industry. The time slots are assigned to each program based on their duration. To have the video segment time slot also allotted to each program based on duration would have been obvious to one of ordinary skill in the art. Therefore at the time the invention was made this technique would have easily benefited the consumers in quickly deciding what they should expect to see on a given channel at a certain time.

Regarding Claim 3, 6, 24, Whitehead discloses an information processing device **[0013]** for displaying an electronic program guide having one or more pieces of program information having a program identifier as information for identifying a program and time zone information as information showing an on-air time zone of the program **[0014]**, comprising: a program information storage unit storing one or more pieces of program information **[0018 line11-13]**; and a program information display unit for displaying one or more pieces of program information out of the program information stored in the program information storage unit **[television displaying the EPG]**.

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Whitehead again fails to show that the program information display unit determines the size of display frame of one or more pieces of program information to be displayed, on the basis of one or more pieces of time zone information possessed by one or more pieces of program information to be displayed, out of one or more pieces of program information stored in the program information storage unit. Assigning time slots to each program in the EPG grid based on its duration is well known in the art. Therefore, at the time of the invention the inclusion of such a feature would have been apparent to one of ordinary skill for the benefit of quickly displaying television program related trailers.

3. Claim 4, 5, 7, 9-22, 25, 26 rejected under 35 U.S.C. 103(a) as being unpatentable over Whitehead US Patent Publication No. 2002/0040476 in view of Matthews, III US Patent No. 5,815,145.

Regarding Claim 4, 5, 13-18, 25 and 26, all of the disclosed limitations are shown above in Claim 3 except encompassing an input accepting unit for accepting an input of instruction of program information to be focused out of one or more programs displayed by the program information display unit.

In an analogous art, Matthew discloses an EPG in FIG. 4 showing a Video program guide 100 displaying for a viewer multiple video programming tiles 102 corresponding to programming available on selected channels during a programming schedule period. At least one of the video

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programming tiles 102a includes a multi-frame video segment 104a relating to programming available on a corresponding one of the selected channels. It would have been obvious to one of ordinary skill to adjust the display frame on the basis of the time slot of the program since it is well known in the art to have EPG time slots assigned to programs based on their duration.

Regarding Claim 7, 11, 21, Whitehead discloses an information processing device for displaying an electronic program guide **Figure 2** having one or more pieces of program information including a moving program identifier **16**, time zone information [*Time axis of the grid*], and a moving picture [*Video clip being shown*]. However White head fails to teach that the moving picture possessed by the program information is displayed by changing the display method of moving picture on the basis of the time zone information.

In an analogous art, Matthews shows in **Figure 4** that the different cells of the EPG can all have a video simultaneously displayed. Therefore it would have been obvious to one of ordinary skill in the art to combine the teachings of Matthews and Whitehead to produce an EPG capable of displaying video trailers of programs.

Regarding Claim 9 and 19, Matthews discloses that the display method of moving picture is moving picture reproduction, display of still picture

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contained in the moving picture, or frame feed reproduction of the moving picture **Figure 5 step 134**.

Regarding Claim 10 and 20, although it is not explicitly disclosed in either Whitehead or Matthews that the moving picture is displayed by changing the reproduction speed on the basis of the time zone information, it is obvious that the reproduction speed depends on the duration of the program. A shorter program will have shorter number of scenes to be shown as trailers whereas a longer program will have a lot more scenes to be shown for trailers. Hence the reproduction speed will depend on the entirety of the trailer. The longer the trailer the slower the reproduction speed will be. Therefore it would have been obvious to one of ordinary skill in the art to include this feature.

Regarding Claim 12 and 22, Matthews discloses the representative still picture as still picture representing the moving picture holds a representative identifier in pair as information for identifying the pertinent representative still picture [*Figure 5 step 126 Select Focused Video Program Tile*], and the still picture is displayed as display of still picture identified by the representative identifier [*Figure 5 Step 128 Retrieve Display Imagery*].

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SAHAR A. BAIG whose telephone number is (571)270-3005. The examiner can normally be reached on 4/5/9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chris Kelley/
Supervisory Patent Examiner, Art
Unit 2623

SB